

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV, GMBH,

Plaintiff,

v.

ZACHARY LEBEAU and KIMBERLY
JACKSON,

Defendants.

Case No. 1:21-cv-10130 (VEC)

PROPOSED CONSENT ORDER

WHEREAS, on November 29, 2021, Plaintiff SingularDTV GmbH (“SingularDTV”) filed a Motion for Order to Show Cause Why Preliminary Injunction Should Not Issue and, in the interim, Temporary Restraining Order, in the above-captioned action (ECF No. 12) (the “Motion”);

WHEREAS, the Court granted a Temporary Restraining Order (“TRO”) in connection with the Motion (ECF No. 21), amended the TRO on December 2, 2021 (ECF No. 25), and on December 9, 2021, extended the TRO on agreement of the Parties until the date of the hearing on the Motion scheduled for January 5, 2022 (the “Hearing”) (ECF No. 48);

WHEREAS, on December 30, 2021, the Court entered a Consent Order adjourning the Hearing and extending the TRO on agreement of the Parties until January 25, 2022 (ECF No. 60);

WHEREAS, following extensive meet and confer discussions, the parties have agreed to the entry of a preliminary injunction resolving the Motion;

WHEREAS, the Parties nonetheless expressly reserve and do not waive their rights with respect to all other matters between the Parties not specifically addressed in this Consent Order;

NOW, THEREFORE, the Parties have AGREED and the Court ORDERS as follows:

IT IS ORDERED that Defendants shall transfer 12,000.415454144426866188 ETH held on a cold wallet hardware device (“Cold Wallet”) to an escrow arrangement as separately agreed upon by the Parties;

IT IS FURTHER ORDERED that Defendants shall deliver physical possession of the device storing the Cold Wallet, together with all charging devices and authorizations including log-in information and passwords, to an escrow arrangement as separately agreed upon by the Parties;

IT IS FURTHER ORDERED that Defendants shall cause a full and complete migration of all singulardtv.com and breaker.io e-mail accounts for current and former SingularDTV employees and contractors identified by the Parties over which Defendants have possession and control to a separate third-party contractor of SingularDTV’s choice by no later than February 1, 2022;

IT IS FURTHER ORDERED that Defendants shall not take any actions on behalf of themselves or SingularDTV LLC (d/b/a “Breaker LLC”) with respect to SingularDTV’s Intellectual Property Rights, as defined in a January 5, 2017 Amended Service and Development Agreement entered between SingularDTV and Breaker LLC, without SingularDTV’s prior written approval;

IT IS FURTHER ORDERED that, the TRO, as amended, shall remain in effect until the above-referenced transfers of the ETH, Cold Wallet, and e-mail accounts, as ordered above, are effectuated; provided that the TRO permits such transfers and migration;

IT IS FURTHER ORDERED that, immediately upon Defendants’ transfer of the referenced ETH, Cold Wallet, and e-mail accounts, as ordered above, the TRO, as amended, shall be dissolved and no longer in effect.

Dated: New York, New York
January __, 2022

ISSUED:

Hon. Valerie E. Caproni
United States District Judge